

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JULY 10, 1981

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Mr. James V. Noles
Manager of Systems Development
Triangle Resources Industries
P.O. Box 599
Laurel, Maryland 20810

Dear Mr. Noles:

Thank you for your letter of June 30, 1981, requesting clarification of, and if necessary, relief from the RCRA treatment regulations. As we understand it, your firm provides 55-gallon drums containing inert absorbent to your customers, who then fill the drums with liquids. The absorbent changes the liquid to solid state thereby making disposal in landfills acceptable. You had three questions regarding the relationship of this practice to the RCRA regulations:

- (1) Does solidification in the drums constitute a treatment process?
- (2) If so, would the regulations require that a permit be granted?
- (3) Could the operations qualify as a totally enclosed treatment facility?

Your operation does constitute "treatment" in accordance with the definition in §260.10 because it is a "technique . . . designed to change the physical . . . character . . . of . . . hazardous waste . . . so as to render such waste . . . safer to . . . dispose of . . ." Since the technique you use is "treatment" and is not excluded in §§264.1 (g), 265.1 (c), or 122.21 (d) (2), then it is subject to all of the applicable waste management requirements, including the requirement to obtain a permit. As we are interpreting "totally enclosed treatment facility" (TETF) in §260.10, treatment in drums does not qualify. To be "constructed and operated in a manner which prevents release of any hazardous waste" as required in that definition, there must be essentially no possibility of escape from the vessel (drum in your case) even in the event of a process upset or human or equipment failure. In your case, there is clearly the potential for overflow during filling, thereby disqualifying the process as a TETF eligible for exemption under §§264.1 (g) (5) and 264.1(c)(9).

You requested that the Agency consider exemption for users of your process if, in fact, a permit is required by the regulations, since you feel it presents a minimal environmental or human health threat and facilitates compliance with the bar on liquids in landfills which will soon become effective. At least on the surface, there is merit in your arguments and we shall consider your request. If we agree, a change in the regulations will be necessary and, given the procedural hurdles we must clear, it may take some time to effectuate. Let me assure you that we shall proceed to evaluate your request with all deliberate speed. I am assigning Karen Walker, 755-9200, to investigate the issue. If you have any questions or comments, please contact her.

Sincerely yours,

Alfred W. Lindsey
Deputy Director
Hazardous & Industrial Waste Division (WH-565)